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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,696	07/05/2000	Seong-jin Moon	1293.1072D2/MDS	4484
21171	7590	04/21/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			TRAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2615	

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22

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,696

Applicant(s)

MOON ET AL.

Examiner

Thai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/337,253.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on Jan. 28, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Patent Application Serial Nos. 09/337,253 and 09/610,380 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

2. Applicant's arguments filed Jan. 28, 2004 have been fully considered but they are not persuasive.

In re pages 9-10, applicants agree, with respect to claim 11, that nothing in Aramaki teaches or suggests that any of the bytes includes manufacturer information including "recording an identification information of a manufacturer of a recording apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification".

In response, the examiner respectfully disagrees. Aramaki discloses in col. 6, lines 33-36 that "In the example of this embodiment, **a magneto-optical disc (minidisk) is taken as a recording medium and a recording/playback apparatus equipped with an editing apparatus function is adopted**", in col. 11, lines 36-42 that "The U-TOC can **be edited and re-written** in response to the recording and erasing of data. However, the system controller carries out these editing processes for recording or editing operations with respect to the TOC information stored in the buffer memory 13 and the U-TOC area of the disc 1 can be re-written at a prescribed timing in response to

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this re-writing operation", and in col. 16, lines 50-55 that "The remaining two bytes are taken for **the manufacturers code and the model code and are recorded with code data showing the manufacturer of the recording apparatus used for recording the program and code data showing the type of recording apparatus recorded**". From the above passages, it is clear that the **disc is a re-writable magneto-optical disc**.

When the program is recorded or re-written by **different recording apparatus**, the two bytes manufacturers code and the model code should be different from the manufacturer code prior to the recording or the modification. Thus, Aramaki does indeed discloses all the claimed limitations of claim 11 including "recording an identification information of a manufacturer of a recording apparatus (the manufacturers code and the model code) that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification".

In re page 10, applicants state that the arguments presented above supporting the patentability of independent claim 11 in view of Aramaki are incorporated herein to support the patentability of independent claim 15.

In response, as discussed above with respect to claim 11, Aramaki discloses all the features of claim 11 and; thus, discloses all claimed limitations of claim 15.

In re page 10-11, applicants state that the arguments presented above supporting the patentability of independent claims 11 and 15 in view of Aramaki are incorporated herein to support the patentability of independent claims 13, 28, and 31.

In response, as discussed above with respect to claim 11, Aramaki discloses all the features of claim 11 and; thus, discloses all claimed limitations of independent claims 13, 28, and 31.

In re pages 11-12, applicants argue Ohno fails to teach or suggest "verifying a coincidence of an identification code of a manufacturer of a device which last modified the content of the recording medium and the manufacturer identification code of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective" as recited in independent claim 13.

In response, the examiner respectfully disagrees. Ohno et al discloses in col. 6, lines 25-30 that "In a step S11, it is checked whether the VTR manufacture number data as fetched from the tape coincides with the VTR manufacture number stored in the library memory 4 shown in FIG. 1. **Unless coincidence is found, this control processing is terminated by regarding the tape as loaded is not the one of concern**". Form the above passage, it is clear that the VTR manufacture number data of Ohno anticipates the claimed "identification code of a manufacturer of a device which last modified the content of the recording medium" and the claimed "to determine whether manufacturer specific information of the recording/reproducing apparatus is effective" is anticipated by the step S11 of Ohno.

In re page 12, applicants argue, that similarly to Aramaki, Ohno does not teach or suggest "a recording and reproducing apparatus indicating a manufacturer of the

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recording and reproducing apparatus that recorded or modified the content of the recording medium different from the manufacturer identification information prior to the recording or the modification; and reading a manufacturer identification information, determining whether the content is effective based upon whether the read manufacturer identification information matches that of the recording and reproducing apparatus, and reading the content if the content is effective" as recited in independent claim 28 and "reading the manufacturer identification information of a manufacturer of an apparatus that recorded or modified the content of the recording medium different from the manufacturer identification information prior to the recording or the modification; and determining whether to read the content based upon the read manufacturer identification information" as recited in independent claim 31.

In response, the examiner respectfully disagrees. As discussed above with respect to claim 11, Aramaki discloses the claimed "a recording and reproducing apparatus indicating a manufacturer of the recording and reproducing apparatus that recorded or modified the content of the recording medium different from the manufacturer identification information prior to the recording or the modification" as recited in claim 28 and the claimed "reading the manufacturer identification information of a manufacturer of an apparatus that recorded or modified the content of the recording medium different from the manufacturer identification information prior to the recording or the modification" as recited in claim 31. As discussed in claim 13 above, step S11 of Ohno anticipates the claimed "reading a manufacturer identification information, determining whether the content is effective based upon whether the read manufacturer

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identification information matches that of the recording and reproducing apparatus, and reading the content if the content is effective" as recited in claim 28 and the claimed "determining whether to read the content based upon the read manufacturer identification information" as recited in claim 31. When Aramaki and Ohno are combined as proposed by the examiner, the alleged limitations of claims 28 and 31 would be taught.

In re pages 12-13, applicants also argue that the Office Action has provided absolutely no motivation to combine the cited references but, rather, conclusive statement are made such as that "it would have been obvious to an artisan of ordinary skill in the art to incorporate the capabilities of comparing the VTR manufacturer number data recorded on the tape and VTR manufacture number stored in the library memory ... in order to facilitate search of programs recorded on recording medium, indexing of heading portion of the programs and display of teletext or closed caption and the like without essentially incurring additional manufacturing cost of the apparatus.

In response, the examiner respectfully disagrees. As recognized by applicants that the examiner can satisfy the burden of establishing a prima facie case of obviousness only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. In re Fritch, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992). Ohno teaches the motivation to combine the references in col. 2, lines 14-20 "In the light of the state of the art described above, **it is an object of the present invention to provide a magnetic recording/reproducing apparatus which can**

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facilitate search of programs recorded on a magnetic tape, indexing of heading portion of the programs and display of teletext or closed caption and the like without essentially incurring additional manufacturing cost of the apparatus".

Thus, the motivation to combine the references can be found in Ohno, col. 2, lines 14-20.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 11-12 and 15-27, 39, and 41 are rejected under 35 U.S.C. 102(a) as being anticipated by Aramaki et al (EP 0 833 337 A2) as set forth in paragraph #10 of the last Office Action.

Regarding claim 11 of this application, Aramaki et al discloses a method of recording and/or editing content on a data recording medium (Fig. 3), comprising:

recording an identification information of a manufacturer of a recording apparatus that recorded or modified the content of the recording medium different from the identification information prior to the recording or the modification (updating the U-TOC disclosed in col. 1, lines 33-36 and the U-TOC comprises the recording time, manufacturers code, and the model code disclosed in col. 16, lines 47-55).

Regarding claim 12 of this application, Aramaki et al also discloses the claimed recording a product identification code of the recording apparatus of the manufacturer

that modified the content of the recording medium by performing recording/editing on the recording medium (the model code disclosed in col. 16, lines 47-55).

Claim 15 is rejected for the same reasons as discussed in claim 11 above.

Regarding claim 16 of this application, Aramaki et al discloses the claimed recording a product information code indicating a product model of the recording apparatus that modified the content of the recording (the model code disclosed I col. 16, lines 47-55).

Regarding claim 17 of this application, Aramaki et al discloses the claimed recording an operation code indicating information on an operation performed by the recording apparatus other than reproduction of the content of the recording medium (manufacturers code and model code disclosed in col. 16, lines 47-55).

Regarding claim 18 of this application, Aramaki et al discloses the claimed wherein the operation code information is compatible for a plurality of different manufacturers (manufacturers code disclosed in col. 16, lines 47-55).

Regarding claim 19 of this application, Aramaki et al discloses the claimed recording a manufacturer information item specific to the manufacturer of the recording apparatus (programs disclosed in col. 8, lines 18-26), and a manufacture code to indicate the manufacturer of the manufacturer information item (manufacturers code disclosed in col. 16, lines 47-55).

Regarding claim 20 of this application, Aramaki et al discloses the claimed recording a manufacturer information item specific to the manufacturer (programs disclosed in col. 8, lines 18-26), a manufacturer code to indicate the manufacturer of the

recording apparatus of the manufacturer information item (manufacturers code disclosed in col. 16, lines 47-55), and a product code to indicate a product model of the recording apparatus of the manufacturer information item (model code disclosed in col. 16, lines 47-55).

Regarding claim 21 of this application, Aramaki et al discloses the claimed recording time information indicating a time when the manufacturer information item is recorded on the recording medium (time disclosed in col. 16, lines 47-55).

Regarding claim 22 of this application, Aramaki et al discloses the claimed recording the manufacturer code and the product code at a beginning part of the manufacturer information item (col. 16, lines 47-55).

Regarding claim 23 of this application, Aramaki et al discloses the claimed recording a searching pointer indicating a starting address of the manufacturer information item (the addresses of U-TOCs disclosed in col. 11, lines 19-26).

Regarding claim 24 of this application, Aramaki et al discloses the claimed updating a number of total manufacturer information items recorded on the recording medium (the editing function disclosed in cols. 19-20).

Regarding claim 25 of this application, Aramaki et al discloses the claimed determining whether the number of total manufacturer information items exceeds a predetermined limit, and if so, deleting an oldest manufacturer information item stored on the recording medium (the editing function disclosed in cols. 19-20).

Regarding claim 26 of this application, Aramaki et al discloses the claimed recording an address of manufacturer information which includes the manufacturer

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identification information and the product information code (the addresses of U-TOCs disclosed in col. 11, lines 19-26 and model code disclosed in col. 16, lines 47-55).

Regarding claim 27 of this application, Aramaki et al discloses the claimed recording an last address of manufacturer information which includes the manufacturer identification information, the product information code, and the operation code (the addresses of U-TOCs disclosed in col. 11, lines 19-26, manufacturers code disclosed in col. 16, lines 47-55, and model code disclosed in col. 16, lines 47-55).

Regarding claim 39 of this application, Aramaki et al discloses the claimed wherein the identification information corresponds to the manufacturer of the recording apparatus that last recorded or modified the content of the recording medium (col. 16, lines 47-55).

Claim 41 is rejected for the same reasons as discussed in claim 39 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 13-14, 28-38, 40, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aramaki et al (EP 0 833 337 A2) in view of Ohno et al ('366) as set forth in paragraph #12 of the last Office Action.

Regarding claim 13 of this application, Aramaki et al as discussed in claim 11 above discloses all the features of the instant invention except for providing verifying a coincidence of an identification code of a manufacturer of a device which last modified the content of the recording medium and a manufacturer identification information of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective, wherein the identification information of the manufacturer is different from the identification information prior to the recording or the modification.

Ohno et al teach a magnetic recording/reproducing apparatus having means for verifying a coincidence of an identification code of a manufacturer of a device which last modified the content of the recording medium and the manufacturer identification code of the recording/reproducing apparatus to determine whether manufacturer specific information of the recording/reproducing apparatus is effective (column 6, lines 18-31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capabilities of searching of programs recorded on a

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magnetic tape, indexing of heading portion of the programs and displaying of teletext or closed caption and the like as taught by Ohno et al into Aramaki et al's system in order to facilitate the managing the information recorded in the recording medium without essentially incurring additional manufacturing cost of the apparatus.

Regarding claim 14 of this application, Ohno et al also discloses the claimed verifying the coincidence of an identification code of a product that modified the content of the recording medium and a product identification code of the recording/reproducing apparatus to determine whether the manufacturer specific information of the recording/reproducing apparatus is effective (column 6, lines 18-31).

Claim 28 of this application is rejected for the same reasons as discussed in claims 13 of this application above.

Regarding claim 29 of this application, Ohno et al discloses the claimed reading the content of the recording medium to determine whether the content is effective if the determination is that the read manufacturer identification information does not match that of the recording and reproducing apparatus, and reproducing the content read if the content read is determined to be effective (column 4, lines 42-65).

Regarding claim 30 of this application, Ohno et al discloses the claimed updating only manufacturer information item specific to the manufacturer of the recording and reproducing apparatus, and not updating other manufacturer information items recorded on the recording medium (column 3, line 37 to column 4, line 28).

Claim 31 of this application is rejected for the same reasons as discussed in claim 13 of this application above.

Regarding claim 32 of this application, Ohno et al discloses the claimed wherein the recording medium has a product information code indicating a product model of the apparatus that modified the content of the recording medium on the recording medium (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the product model (column 6, lines 18-31) and determining whether to read the content based upon the read product model (column 6, lines 18-31).

Regarding claim 33 of this application, Ohno et al discloses the claimed wherein the recording medium has an operation code indicating on an operation performed by the recording apparatus that last modified the content of the recording medium (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the operation code (column 6, lines 18-31) and determining how to modify the content based upon the read operation code (column 6, lines 18-31).

Regarding claim 34 of this application, Ohno et al discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacturer, and a manufacturer code to indicate the manufacturer of the manufacturer information item (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the manufacturer code (column 6, lines 18-31) and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus (column 6, lines 18-31).

Regarding claim 35, Ohno et al discloses the claimed wherein the recording medium has a manufacturer information item specific to the manufacture, a manufacturer code to indicate the manufacturer of the recording apparatus of the

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manufacturer information item, and a product code to indicate a product model of the recording apparatus of the manufacturer information item (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the manufacturer code and the product code (column 6, lines 18-31) and determining whether to read the manufacturer information item if the manufacturer code matches a code relating to the manufacturer of the reproducing apparatus and the product code matches a code relating to the product model of the reproducing apparatus (column 6, lines 18-31).

Regarding claim 36 of this application, Ohno et al discloses the claimed wherein the recording medium has time information indicating a time when the manufacturer information item is recorded on the recording medium (column 3, line 37 to column 4, line 28), the reproduction method further comprising reading the time information and processing the read time information (column 5, lines 20-31 and column 6, lines 18-31).

Regarding claim 37 of this application, Ohno et al discloses the claimed wherein the recording medium has a search pointer indicating a starting address of the manufacturer information item (column 4, lines 42-65), the reproduction method further comprising reading the search pointer and then reading the manufacturer information item at the start address thereof (column 6, lines 18-31).

Regarding claim 38, Ohno et al discloses determining whether the read manufacturer identification code matches a code of a current reproducing apparatus relating to a manufacturer of the reproducing apparatus (column 6, lines 18-31); reading the content for reproduction if there is a match for reproduction of the content (column 6, lines 18-31); reading the content if there is not the match for analyzing the content

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(column 6; lines 18-31); and reproducing the content if there is the match or if the analysis indicates the content is reproducible by a current reproducing (column 6, lines 18-31).

Regarding claim 41 of this application, Aramaki et al discloses the claimed wherein the identification information corresponds to the manufacturer of the recording apparatus that last recorded or modified the content of the recording medium (col. 16, lines 47-55).

Regarding claim 42 of this application, Aramaki et al discloses the claimed wherein the identification information corresponds to the manufacturer of the recording apparatus that last recorded or modified the content of the recording medium (col. 16, lines 47-55).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

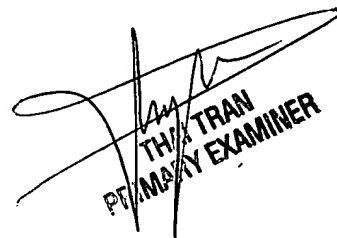
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ


THAI TRAN
PRIMARY EXAMINER